

ORDINANCE NO. 26814

AN ORDINANCE OF THE CITY OF SAN JOSE ESTABLISHING AN  
UNDERGROUND UTILITY DISTRICT BOUNDED BY INTERSTATE  
880, ROUTE 87 AND COLEMAN AVENUE.

WHEREAS, by Resolution No. 71329, the City Council of San Jose set a Public Hearing on January 21, 2003, at 1:30 P.M., in the Council Chambers of the City of San Jose, City Hall, 801 N. First Street, at the corner of First and Mission Streets, to ascertain whether an Underground Utility District should be established in the area designated as "GUADALUPE GARDENS UNDERGROUND UTILITY DISTRICT" (hereinafter called "District") and more fully described and shown on EXHIBITS A-1 and A-2 hereto; and

WHEREAS, written notice of the Public Hearing has been given pursuant to Section 15.24.050 of the San Jose Municipal Code, such hearing has been duly and regularly held, and all persons interested have been given a reasonable opportunity to be heard; and

WHEREAS, the criteria to form a district as set forth in San Jose Municipal Code Section 15.24.060 are:

- a) Removal of overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District; and
- b) Public streets or rights-of-way within the Proposed District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic;
- c) Public streets or rights-of-way within said area adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public; and

WHEREAS, pursuant to Section 15.24.060 of the San Jose Municipal Code, the City Council hereby finds and determines, based on evidence presented at the Public Hearing including the memorandum from the Director of Public Works dated January 7, 2003, and attached hereto as Exhibit A-3, that the above conditions exist within the proposed district, and public necessity, health, safety, and welfare require and it is in the general public interest that existing poles and overhead wires within the District be removed therefrom and thereafter prohibited and that wires and associated facilities within the District for transmitting, conducting, conveying, distributing, or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television, or other similar or associated service be installed underground;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Jose:

SECTION 1. The City Council hereby declares that a certain area of the City of San Jose described and shown on EXHIBITS A-1 and A-2, attached hereto, made a part hereof, and incorporated herein by reference is established as an underground utility district to be designated "GUADALUPE GARDENS UNDERGROUND UTILITY DISTRICT" and orders and requires that existing poles and overhead wires within said District be removed there from by the operators of the utilities and thereafter prohibited and that wires and associated facilities within said District for transmitting, conducting, conveying, distributing, or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television, or other similar or associated service be installed underground subject to all of the provisions and exceptions contained in Part 3, Chapter 15.24, of the San Jose Municipal Code.

SECTION 2. Existing poles and overhead wires and associated facilities within the District for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing heat, power, telephone, telegraph, communication, television or other similar or associated service shall be removed by the operators of the utilities no later than December 31, 2004.

Wires and associated facilities within the District for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing heat, power, telephone, telegraph, communication, television or other similar or associated service shall be installed underground no later than December 31, 2004.

Persons owning any property as shown on the last equalized assessment roll served by overhead service drops which are extended from poles or spans located within the District must be ready to receive light, heat, power, telephone, telegraph, communications, television, or other similar or associated service by means of underground wires and facilities no later than December 31, 2004.

SECTION 3. The City Council does hereby request that the Pacific Gas & Electric Company and Pacific Bell provide payment, computed pursuant to Rule 20 and Rule 32 respectively for the installation of no more than one hundred (100) feet (measured from the property line) of trenching, excavation, conduit installation, backfill, and surface restoration of each customer's individual service lateral to each qualifying premise affected by the District.

SECTION 4. The City Council does hereby request that the Pacific Gas & Electric Company pay, from the existing Rule 20A allocation, for the conversion of electric service panels to accept underground service, up to \$1,500 per service entrance, excluding permit fees.

SECTION 5. Within twenty (20) days of the effective date of this ordinance, the Director of Public Works shall give written notice to all affected Utilities owning, possessing, or controlling any poles or overhead wires in the district and all owners and occupants of property affected by said District as required by Sections 15.24.150 and 15.24.160 of the San Jose Municipal Code.

SECTION 6. In lieu of a notice to the Utility Companies for disconnection of service pursuant to Section 15.24.140 of the San Jose Municipal Code, the Director of Public Works may give an additional notice to any noncompliant property owners or occupants in said District pursuant to Section 15.24.170 of the San Jose Municipal Code.

SECTION 6. The Director of Public Works is hereby empowered to extend the time for any act required under this ordinance for the period of time and for the reasons set forth in Section 15.24.180 of the San Jose Municipal Code.

PASSED FOR PUBLICATION of title this 21<sup>st</sup> day of January, 2003, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,  
GREGORY, LeZOTTE, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

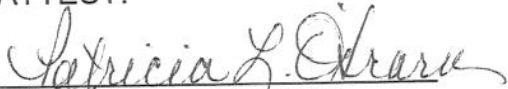
ABSENT: REED

DISQUALIFIED: NONE



RON GONZALES  
Mayor

ATTEST:

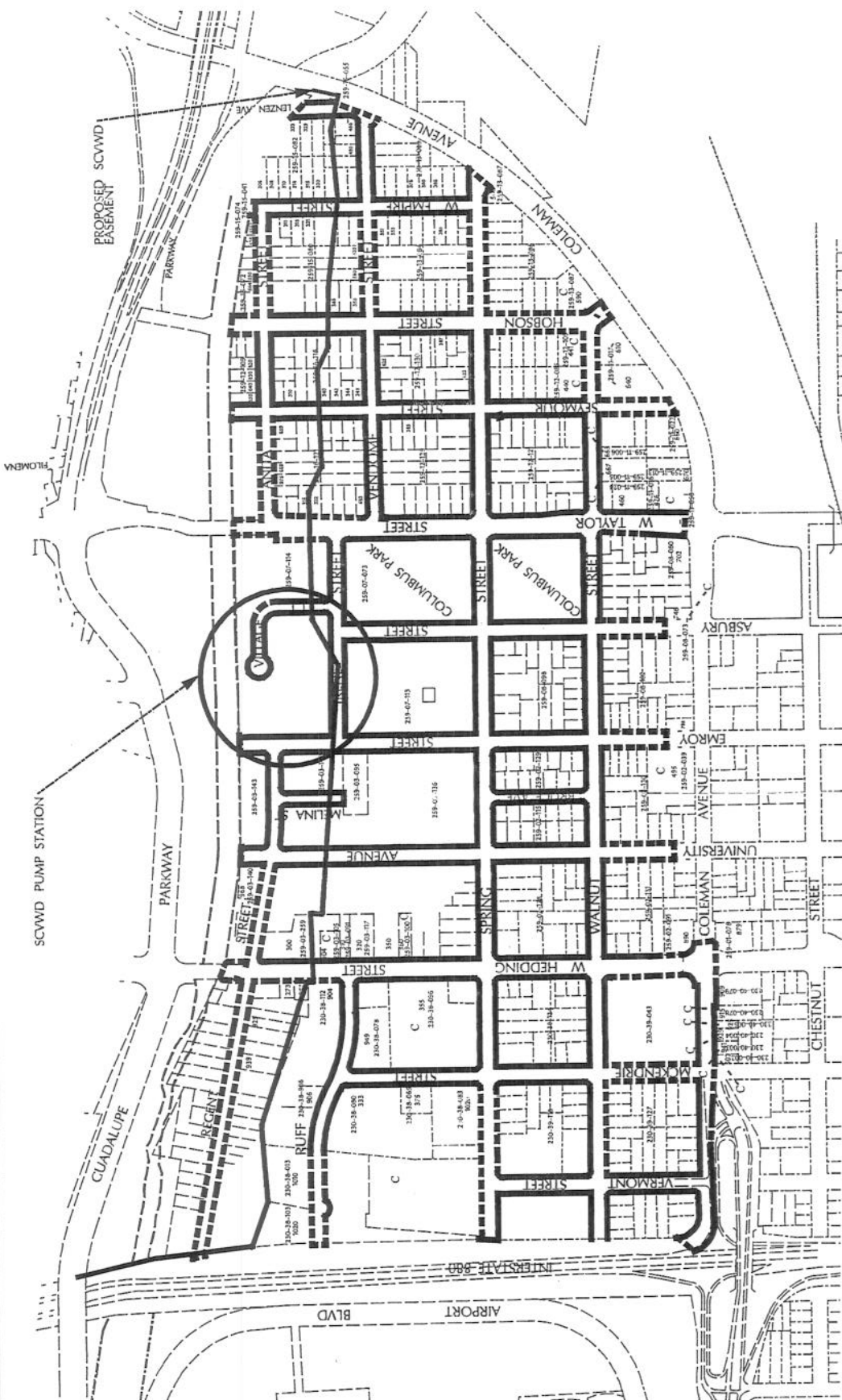


PATRICIA L. O' HEARN  
City Clerk

PLM:JTC  
[ORD\_GUADALUPE]

Attachments:  
Exhibit A-1, Map  
Exhibit A-2, Description  
Exhibit A-3, Staff Memorandum

# CITY OF SAN JOSE UNDERGROUND UTILITY DISTRICT GUADALUPE GARDENS



## LEGEND

PROPOSED UG DISTRICT BOUNDARY

REQUIRES CONVERSION

PROPOSED SCVWD EASEMENT

**DESCRIPTION OF PROPOSED BOUNDARY OF AN UNDERGROUND UTILITY  
DISTRICT BOUNDED BY INTERSTATE 880, ROUTE 87 AND COLEMAN  
AVENUE.**

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

All the public right-of-way bounded by:

BEGINNING at the true point at the intersection of the southerly ultimate right-of-way line of Interstate 880 and the westerly ultimate right-of-way line of the Guadalupe River;

THENCE proceeding in a southeasterly direction along the westerly ultimate right-of-way line of Guadalupe River to a point of intersection with the northeasterly ultimate right-of-way line of Coleman Avenue;

THENCE proceeding in a northwesterly direction along the northerly ultimate right-of-way line of Coleman Avenue to a point of intersection with the southerly ultimate right-of-way line of West Hedding Street;

THENCE proceeding in a westerly direction parallel to the centerline of West Hedding Street to a point of intersection with the westerly ultimate right-of-way line of Coleman Avenue;

THENCE proceeding in a northerly direction along the westerly ultimate right-of-way line of Coleman Avenue to a point of intersection with the southerly ultimate right-of-way line of Interstate 880 overpass;

THENCE proceeding in an easterly direction along the southerly right-of-way line of Interstate 880 to a point of beginning at the intersection with the westerly ultimate right-of-way line of the Guadalupe River;

EXCLUDING the areas described as follows:

EXCLUDING the area beginning at the true point at the intersection of the easterly ultimate right-of-way line of Coleman Avenue and the northerly ultimate right-of-way line of University Avenue;

THENCE proceeding in an easterly direction  $\pm 90$  feet along the northerly ultimate right-of-way line of University Avenue;

THENCE proceeding in a southerly direction  $\pm 70'$  perpendicular to the centerline of University Avenue to a point of intersection with the southerly ultimate right-of-way line of University Avenue;

THENCE proceeding in a westerly direction  $\pm 90'$  along the southerly ultimate right-of-way line of University Avenue to a point of intersection with the easterly ultimate right-of-way line of Coleman Avenue;

THENCE proceeding in a northerly direction  $\pm 70'$  parallel to the centerline of Coleman Avenue to a true point of beginning;



EXCLUDING the area beginning at the true point at the intersection of the easterly ultimate right-of-way line of Coleman Avenue and the northerly ultimate right-of-way line of Emory Street;

THENCE proceeding in an easterly direction  $\pm 120'$  along the northerly ultimate right-of-way line of Emory Street;

THENCE proceeding in a southerly direction  $\pm 70'$  perpendicular to the centerline of Emory Street to a point of intersection with the southerly ultimate right-of-way line of Emory Street;

THENCE proceeding in a westerly direction  $\pm 120'$  along the southerly ultimate right-of-way line of Emory Street to a point of intersection with the easterly ultimate right-of-way line of Coleman Avenue;

THENCE proceeding in a northerly direction  $\pm 75'$  parallel to the centerline of Coleman Avenue to a true point of beginning;

EXCLUDING the area beginning at the true point of intersection of the easterly ultimate right-of-way line of Coleman Avenue and the northerly ultimate right-of-way line of Asbury Street;

THENCE proceeding in an easterly direction  $\pm 120'$  along the northerly ultimate right-of-way line of Asbury Street;

THENCE proceeding in a southerly direction  $\pm 70'$  perpendicular to the centerline of Asbury Street to a point of intersection with the southerly ultimate right-of-way line of Asbury Street;

THENCE proceeding in a westerly direction  $\pm 115'$  along the southerly ultimate right-of-way line of Asbury Street to a point of intersection with the easterly ultimate right-of-way line of Coleman Avenue;

THENCE proceeding in a northerly direction  $\pm 70'$  parallel to the centerline of Coleman Avenue to a true point of beginning.



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** GUADALUPE GARDENS  
UNDERGROUND UTILITY  
DISTRICT

**DATE:** 01-07-03

Approved

Date

1.9.03

**COUNCIL DISTRICT:** 3

## RECOMMENDATION

Conduct a public hearing and at its conclusion approve an ordinance establishing a Rule 20A Underground Utility District bounded by Interstate 880, Route 87 and Coleman Avenue.

## BACKGROUND

The Department of Public Works manages the Rule 20A Underground Utility Program. Through Rule 20A, the California Public Utilities Commission requires Pacific Gas and Electric Company (PG&E) to annually set aside funds for financing the undergrounding of overhead distribution facilities located on public streets within the City of San José. Pacific Bell and AT&T Broadband budget funds to participate in projects where the PG&E Rule 20A funds are programmed.

The proposed Guadalupe Gardens Underground District is included in the 2001/02-2006/07 Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program Five Year Workplan sent to Council on February 6, 2002. The project will remove aerial facilities within the proposed Underground Utility District.

On December 10, 2002, Council set a public hearing on January 21, 2003 for the establishment of an Underground Utility District bounded by Interstate 880, Route 87 and Coleman Avenue after which the utility companies were to begin design in February and start construction in August. However, staff has since been notified that due to funding issues currently facing PG&E, the design and construction of the Guadalupe Gardens Underground Utility Project will be delayed up to one year.

HONORABLE MAYOR . . . D CITY COUNCIL

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Subject: Guadalupe Gardens Underground Utility District

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### ANALYSIS

On December 11, 2002, notices of the public hearing were mailed to all utility companies and owners of property adjacent to the proposed District. To date, no written or verbal protests regarding the proposed District have been received by the City Clerk's Office or the Department of Public Works. On January 14, 2003, staff will transmit a supplemental memo should any comments or protest be received for consideration at the public hearing.

### PUBLIC OUTREACH

A community meeting was held on November 6, 2002 to inform the public of this undergrounding project. City staff responded to questions about the project area, the undergrounding and conversion processes. The questions and comments were regarding the conversion of private property service panels and were not in opposition of the project.

### COORDINATION

The establishment of this District and the proposed project schedule has been coordinated with PG&E, Pacific Bell, AT&T Cable Services, ICG Telecom Group, Santa Clara Valley Water District, San José Airport Department's Guadalupe Gardens Master Plan team, the City Manager's Budget Office and the Departments of Parks, Recreation and Neighborhood Services and Planning, Building and Code Enforcement. The required ordinance to establish the district has been reviewed by the City Attorney's Office.

Additionally, the properties within the proposed District have been screened by staff to determine whether there are any potential conflicts with ongoing property negotiations between the City and the Santa Clara County Water District for flood control easements. Only one property, at the northwest corner of Irene and Emory Street, that is the subject of negotiations with the Water District, is affected by the undergrounding. However staff believes that because the utilities provide service solely to a Water District pump station on this property, the Water District will have no objection to the undergrounding effort as it does not negatively affect the Water District's prospective use of the property. Staff has advised the Water District of this item and requested a reply before the hearing.

### COST IMPLICATIONS

1. COST OF RECOMMENDATION: \$200,000
2. COST OF PROJECT (ESTIMATED): \$5,000,000
  - a. RULE 20A PORTION



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## COST TO UTILITIES:

PG&E Rule 20A Allocation (City of San Jose)	\$2,200,000
Pacific Bell Rule 32 Cost	1,700,000
AT&T Cable Services Cost	660,000
ICG Telecom Group	240,000

## COST TO CITY:

Streetlight/Signal Conversions (Fund 465)	90,000
Project Development, Administration and Construction Inspection (Fund 001 and 465)	<u>110,000</u>
TOTAL PROJECT COST	\$5,000,000

3. SOURCE OF FUNDING: 465 - Construction Excise Tax  
001 - General Fund

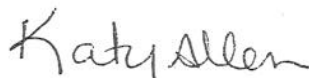
BUDGET REFERENCE

Fund: Construction Excise Tax (Fund 465)  
Appn: 4979  
RC: 105283  
Amount: \$350,000  
Budget Document: 2002-2003 Adopted Capital Budget, p. 815, amended 10/15/02,  
Ordinance Number 26755.

Fund: General Fund (Fund 001)  
Appn: 0571  
RC: 000610  
Amount: \$7,961,681  
Budget Document: 2002-2003 Adopted Operating Budget, p. 537.

CEQA

Exempt, PP02-10-306.



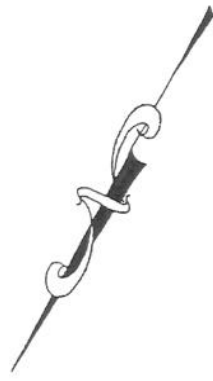
KATY ALLEN  
Director, Public Works Department

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attachment

ATTACHMENT A



CITY OF SAN JOSE  
UNDERGROUND UTILITY DISTRICT  
GUADALUPE GARDENS



LEGEND

PROPOSED UG DISTRICT BOUNDARY  
REQUIRES CONVERSION

ATTACHMENT BUNDERGROUND UTILITY DISTRICT AT  
GUADALUPE GARDENSEstablishment Schedule

Nov. 6, 2002	City staff presentation to community describing project goals and impacts at community meeting.
Dec. 10, 2002	City Council adopts a resolution setting a time and place for a Public Hearing.
Dec. 11, 2002	Director of Public Works mails a notice of Public Hearing to all adjacent property owners.
Jan. 14, 2003	Director of Public Works transmits a report of comments and/or protests received for consideration at the Public Hearing.
Jan. 21, 2003	City Council conducts a Public Hearing and at its conclusion approves an Ordinance establishing an Underground Utility District bounded by Interstate 880, Route 87 and Coleman Avenue.

Project Implementation Schedule

February 2003	Utility companies began design of substructure, conduit, vaults, electric and cable facilities.
August 2003	Construction starts
December 2003	Private property service conversions must be completed.
January 2004	Utility companies complete connections and remove overhead wires and poles.